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State Superintendent of Schools

BILL: Senate Bill 362 DATE: March 31, 2022

SUBJECT: Primary and Secondary Education - COMMITTEE: Ways and Means

Virtual Schools - Revisions

POSITION: Support with Amendments

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EXPLANATION:

The Maryland State Department of Education (MSDE) supports with amendments **Senate Bill (SB) 362** – **Primary and Secondary Education - Virtual Schools - Revisions,** which would alter the requirements for establishing and maintaining virtual schools. MSDE has appreciated the opportunity to collaborate with stakeholders across the state and the sponsor of this bill over the past year to carefully deliberate and consider the issue of educating students in a virtual environment.

The Department laid out a number of requested amendments to the originally filed version of SB 362, and we are pleased that the Senate committee adopted a large portion of those amendments that are included in the current bill. These included flexibility for MSDE to establish minimum requirements for the amount of required synchronous instruction and flexibility to revoke the authority of low-performing virtual schools to operate, adding flexibility for local school systems to establish one additional virtual school per grade band with approval of MSDE and to exceed the 10% cap for student participation from one school in a virtual school, and provides students enrolled in a virtual school the ability to participate in extracurricular activities at their assigned public school.

As we deliberate these issues together, student learning outcomes must be at the center of the discussion. Getting virtual schooling right can increase educational opportunities and flexibility, but getting it wrong would mean dismal outcomes and widening of educational inequities¹. Research shows that online learning is simply harder for most students, whether they are advanced or struggling, and that students who struggle in person are likely to struggle even more online; but it also provides some promising practices, including a focus on synchronous instruction and explicit efforts to keep students engaged in school². It also tells us that for some students, virtual learning can be an important and even superior approach – if done well³.

With that in mind, we are pleased with many components of the bill that address student access to food and nutrition services, mental and behavioral health services, and the required development of regulations to define student attendance requirements and an application process that includes a description of why instruction in a virtual environment will lead to successful academic outcomes for that student.

¹ How Effective is Online Learning? What the Research Does and Doesn't Tell Us

² Lessons Learned: What Research Shows About Students' Experiences Online Learning

³ Some families don't want to go back to in-person school. Here's how one S.C. district is dealing with this demand

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However, it must be acknowledged that the Senate committee that passed SB 362 had extensive discussions about the role of private providers and the treatment of virtual programs that many across the state have worked hard to set up quickly during the COVID-19 pandemic, specifically, the Eastern Shore of Maryland Educational Consortium (ESMEC), and about what level of accountability virtual schools should be subject to. MSDE believes that these questions, too, must be answered with a focus on student learning outcomes at the forefront and that it is important to keep in mind the distinction between a school system that uses the services of private providers and those that have virtual schools run or administered by a private, for-profit entity.

Partnerships with private providers can enable smart innovations - for example, the TranZed Academy for Working Students (TAWS) program that Montgomery County Public Schools runs in partnership with a private provider has demonstrated strong student outcomes, which is why MSDE believes that language is necessary in SB 362 that allows a program such as this one to continue.

However, for-profit education providers across the country have an abject record of serving students well in many cases. This track record means strong accountability systems and smart guardrails are key⁵. Partnerships with private providers that do not demonstrate strong outcomes should not be allowed to continue for the sake of innovation, or because it was difficult to set up the partnership. The motivation to preserve existing programs and/or launching a virtual school simply cannot be because a school system fears losing its enrollment, especially at the expense of high-quality student learning outcomes. Students cannot afford continuation of programs in which students have extremely high failure rates and low attendance rates under a loose accountability framework. MSDE will continue to track data on student participation and outcomes in virtual schools and programs across the state and make clear where these patterns are troubling and require intensive interventions⁶.

All virtual schools should be held accountable for producing positive student outcomes - whether those schools are run solely by a school system or operate in partnership with a private provider. Therefore, MSDE requests an additional amendment that school systems "shall" have their approval to operate a virtual school revoked if during the previous two school years a virtual school performs in the bottom 10% of schools as determined by metrics of the State accountability system. This provision should also apply to existing virtual programs, such as ESMEC, after a two-year "transition" period. Existing programs should be allowed to continue provided that they meet the accountability measures outlined in the requested amendment. Giving the Department discretion to shut down underperforming virtual schools as currently drafted in the bill gives too much influence to the whims of adult politics, instead of centering student learning at the forefront.

MSDE looks forward to working with school systems to develop and set best in class standards for virtual instruction and student enrollment practices and will continue to vigorously monitor ongoing virtual programs throughout the State to ensure the success of students, and based on developing best practices and metrics make recommendations regarding the effectiveness of virtual programs. MSDE will also continue discussions on these issues with legislators, local superintendents, and our State Board of Education to ensure that we get this issue right in the coming months.

We respectfully request that you consider this information as you deliberate **SB 362.** Please contact Ary Amerikaner, at 410-767-0090, or ary.amerikaner@maryland.gov, for any additional information.

⁴ A Promising Work-and-Learn Model: A Case Study of the TranZed Academy for Working Students.

⁵ Department of Education Should Help States Address Student Testing Issues and Financial Risks Associated with Virtual Schools, Particularly Virtual Charter Schools

⁶ Local Education Agency Virtual Programs Update, State Board January 2022 and Virtual Programs Update State Board, March 2022